

**Kansas Dental Board  
Minutes of September 11, 2009**

The Kansas Dental Board met on September 11, 2009, at 1:00 p.m. in Rm 564 of Landon State Office Bldg, Topeka, Kansas.

**1. MEETING CALLED TO ORDER:** Dr. Richard Darnall, DDS, President called the meeting to order at 1:02 p.m.

**MEMBERS PRESENT:** Dr. Richard Darnall, DDS, President; Jim Showalter, Public Member in person; by conference phone: Ms. Jane Criser, RDH, Vice President; Ms. Denise Maus, RDH, Secretary; Dr. Karen Callanan; Dr. Michael Milford, DDS; and Dr. Glenn Hemberger, DDS.

**STAFF PRESENT:** Betty Wright, Executive Director and Melissa Graham, Admin. Officer in person and Mr. Randy Forbes, attorney by conference phone.

**ABSENT:** Dr. Richelle Roy, DDS and Dr. Roger Stevens, DDS.

**2. APPROVAL OF AGENDA:** It was moved and seconded to approve the agenda.. The motion to approve the agenda as modified passed.

**3. APPROVAL OF MINUTES:** It was moved and seconded to approve the July 24, 2009 minutes. The motion passed.

**4. Discussion** was held regarding the revisions proposed for the pediatric section of the new sedation regulations. Proposed KAR 71-5-9 was discussed, it was revised from the previous version so that pediatric patients could be sedated by level I, II and III permit holders. The board discussed the need to change the effective date to Dec. 1, 2010 to coincide with renewals. **It was moved and seconded to revise 71-5-9 to the following language:**

- 71-5-9. General requirements. (a) A dentist shall not be required to obtain a permit from the board to administer nitrous oxide and oxygen to a patient of any age when either substance is used alone or with a local anesthetic.
- (b) A dentist shall not be required to obtain a permit from the board to prescribe sedative agents designed to achieve only anxiolysis to a patient of any age.
- (c) Each system used to administer nitrous oxide shall include an operational fail-safe mechanism to ensure the delivery of not less than 25 percent oxygen to the patient.
- (d) On and after December 1, 2010, a dentist shall not administer enteral conscious sedation or combination inhalation-ental conscious sedation to a patient 12 years of age or younger unless the dentist has a current level I, II or III permit issued by the board and has completed one of the following training requirements:
- (1) a residency program, approved by the board, in dental anesthesia or pediatric dentistry or any other similar program the board determines to be equivalent;
  - (2) a residency program, approved by the board, in general practice, oral and maxillofacial surgery, endodontics, periodontics or other advanced education in general dentistry, which includes training in conscious sedation for patients 12 years of age or younger; or
  - (3) a post graduate course or training program approved by the board, which includes training in conscious sedation for patients 12 years of age or younger.
- (e) On and after December 1, 2010, a dentist shall not administer parenteral conscious sedation to a patient 12 years of age or younger unless the dentist has a current level II or III permit issued by the board and meets one of the following training requirements:
- (1) a residency program, approved by the board, in dental anesthesia or pediatric dentistry or other similar program the board determines to be equivalent;
  - (2) a residency program, approved by the board, in general practice, oral and maxillofacial surgery, endodontics, periodontics or other advanced education in general dentistry, which includes training in parenteral conscious sedation for patients 12 years of age or younger; or
  - (3) a post graduate course or training program, approved by the board, which includes training in parenteral conscious sedation for patients 12 years of age or younger.

(f) On and after December 1, 2010, a dentist shall not administer deep sedation or general anesthesia to a patient 12 years of age or younger unless the dentist has a current level III permit issued by the board and meets one of the following training requirements:

(1) a residency program, approved by the board, in dental anesthesia or pediatric dentistry or other program the board determines to be equivalent;

(2) a residency program, approved by the board, in general practice, oral and maxillofacial surgery, endodontics, periodontics or other advanced education in general dentistry, which includes training in deep sedation or general anesthesia for patients 12 years of age or younger, or

(3) a post graduate course or training program approved by the board, which includes training in deep sedation or general anesthesia for patients 12 years of age or younger.

(g) On and after December 1, 2010, a dentist shall not administer enteral conscious sedation or combination inhalation-enteral conscious sedation to an adult patient unless the dentist has a current level I, II, or III permit issued by the board.

(h) On and after December 1, 2010, a dentist shall not administer parenteral conscious sedation to an adult patient unless the dentist has a current level II or III permit issued by the board.

(i) On and after December 1, 2010, a dentist shall not administer deep sedation or general anesthesia to an adult patient unless the dentist has a current level III permit issued by the board

(j) A dentist shall not be required to obtain a level I, II, or III permit if the sedative agent used is administered to the dentist's patient by a person licensed under Kansas law to administer this agent without supervision.

(k) On and after December 1, 2010, only a dentist with an appropriate permit, another person authorized by Kansas law to administer the sedative agent under supervision at the time of administration, or a person authorized by Kansas law to administer the sedative agent without supervision may administer a sedative agent that is designed to achieve anxiolysis, enteral conscious sedation, parenteral conscious sedation, deep sedation, or general anesthesia as part of a dental procedure.

(l) Each dentist shall submit a written report to the board within 30 days of any mortality or morbidity that resulted in transportation to an acute medical care facility or that is likely to result in permanent physical or mental injury to a patient during, or as a result of, any general anesthesia-related or sedation-related incident. The report shall include the following:

(1) A description of the dental procedure;

(2) a description of the preoperative physical condition of the patient;

(3) a list of the sedative agents and dosages administered, with the time and route of each administration;

(4) a description of the incident, which shall include the following:

(A) The details of the patient's symptoms;

(B) the treatment attempted or performed on the patient; and

(C) the patient's response to the treatment attempted or performed;

(5) a description of the patient's condition upon termination of any treatment attempted or performed; and

(6) the name of each auxiliary staff member in attendance. (Authorized by K.S.A. 2008 Supp. 65-1444 and K.S.A. 74-1406; implementing K.S.A. 2008 Supp. 65-1444; effective P-\_\_\_\_\_.)


**The motion passed.**

**5. New Business –No new business.**

**6. It was moved and seconded to adjourn at 1:42 p.m. The motion passed. The meeting was adjourned.**

**7. Next meeting dates: October 30, 2009 in Topeka.**

The following guests were present on the conference call for the board meeting:  
Dr. Paul Hund, DDS.

 11/06/09  
Denise Maus, RDH Secretary date